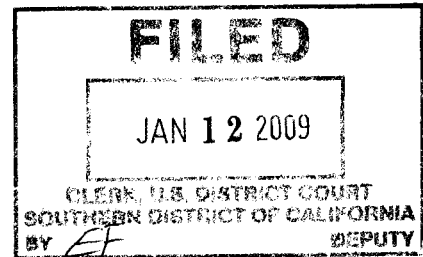


RUSA/KRD



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'09 MJ 8030

UNITED STATES OF AMERICA) MAGISTRATE CASE No:
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
v.) 8 U.S.C. § 1324(a)(2)(B)(ii)
James RODRIGUEZ) Bringing In Illegal Aliens
) for financial gain (Felony)
Defendant.)

The undersigned complainant, being duly sworn, states:

That on January 8, 2009, within the Southern District of California, defendant James RODRIGUEZ, with the intent to violate immigration laws of the United States, knowing and in reckless disregard of the fact that one alien, namely, Maria Del Rosario HERNANDEZ-Perez, had not received prior official authorization to come to, enter and remain in the United States, did bring to the United States said alien for the purpose on commercial advantage and private financial gain. In violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

And the complainant states that this complaint is based on the attached Probable Cause Statement, which is incorporated herein by reference.

Izabel Figueroa
Izabel Figueroa, CBP
Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY
OF JANUARY 2009.

Barbara L. Major
BARBARA L. MAJOR
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Customs Border Protection Enforcement Officer Merced E. Hernandez, declare under penalty of perjury, the following is true and correct:

On January 08, 2009, at approximately 03:08 P.M., James RODRIGUEZ arrived at the Calexico, California, West Port of Entry, as the driver of a red in color 1997 Pontiac Grand Am.

During the primary inspection, (defendant) James RODRIGUEZ gave a negative Customs declaration to the primary United States Customs and Border Protection Officer (CBPO) Joseph Carp. CBPO Carp asked the defendant for his citizenship and he produced a California I.D. and a DSP-150 for the female passenger. CBPO Carp asked the defendant where were they going and defendant stated Calexico. CBPO Carp noticed the passenger was an Imposter to the DSP-150, CBPO Carp requested the assistance of Customs and Border Protection Officer (CBPO) Frank Cortez who handcuffed and escorted the defendant on foot to the Vehicle Secondary Office. CBPO Carp removed the female passenger from the vehicle (material witness) later identified as Maria Del Rosario HERNANDEZ-Perez and escorted her on foot to the Vehicle Secondary Office.

In the Vehicle Secondary Office United States Customs and Border Protection Officer (CBPO) Lepe conducted a patdown on the material witness which was met with negative results, Patdown of the defendant was conducted by CBPO Cortez which was also met with negative results. The Defendant and Material witness were taken to the Port Enforcement Team for further disposition.

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2 v.
3 James RODRIGUEZ

4
5 Defendant was placed under arrest and advised of his rights
6 per Miranda in the English language by United States Customs and
7 Border Protection Enforcement Officer (CBPOE) Merced E.
8 Hernandez and witnessed by Department of State Diplomatic
9 Security Service Special Agent Monica B. Blyer. Defendant stated
10 he understood his rights and would answer questions without an
11 attorney present.

12 Defendant stated he was aware that the female passenger
13 (material witness) who was in his vehicle was an undocumented
14 alien. Defendant further stated that he had given the DSP-150
15 Laser Visa to the material witness and told her to memorize the
16 information on the DSP-150 before they made entry into the
17 United States. Defendant stated that he was going to get paid
18 \$250.00 Dollars if he was successful in his smuggling attempt of
19 the material witness.

20 Material Witness stated that she is a native and citizen of
21 Mexico with no legal entry documents to enter, reside or pass
22 through the United States. Material witness stated that her aunt
23 Margarita Hernandez who resides in Santa Ana, Ca. had made the
24 smuggling arrangements to have her smuggled into the United
25 States illegally. Material witness stated that once she was
26 smuggled into the United States a friend of her aunt would have
27 picked her up in Calexico, Ca. and transport her to Santa Ana,
28 Ca.

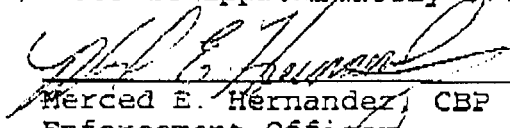
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5 Material Witness:

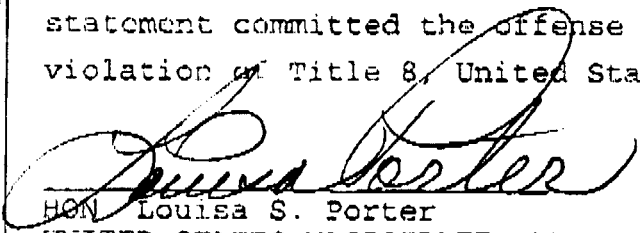
6 Name Country of Birth
7 Maria Del Rosario HERNANDEZ-Perez MEXICO

8
9 Further, the complainant states that he believes said alien
10 is a citizen of a country other than the United States; that
11 said alien has admitted that she is deportable; that her
12 testimony is material, that it is impracticable to secure her
13 attendance at the trial by subpoena; and she is a material
14 witness in relation to this criminal charge and should be held
15 or admitted to bail pursuant to Title 18, United States Code,
16 Section 3144.

17 Executed on January 9, 2009 at approximately 07:10 P.M.

18 
19 Merced E. Hernandez, CBP
Enforcement Officer

20 On the basis of the facts presented in the probable cause
21 statement consisting of three pages, I find probable cause to
22 believe that the defendant named in this probable cause
23 statement committed the offense on January 8, 2009 in the
24 violation of Title 8, United States Code, § 1324.

25 
26 HON. Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

27 1/9/09 8:30pm
28 Date and Time